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P.O. BOX 3001
BRIARCLIFF MANOR, NY 10510

EXAMINER	
KEEHN, RICHARD G	

ART UNIT	PAPER NUMBER
2456	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/565,663	KAMPERMAN ET AL.	
	Examiner	Art Unit	
	RICHARD G. KEEHN	2456	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *19 February 2010*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,3,4,6-12,14,15 and 17-23* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1, 3, 4, 6-12, 14, 15 and 17-23* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1, 3, 4, 6-12, 14, 15 and 17-23 have been examined and are pending.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 02/19/2010 has been entered.

Response to Arguments

3. Applicant's arguments with respect to claims 1, 3, 4, 6-12, 14, 15 and 17-23 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claim 23 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

a. As to Claim 23, Applicant has provided evidence that Applicant intends the invention to be embodied in computer readable medium. The broadest

reasonable interpretation of a claim drawn to computer readable medium typically covers forms of non-transitory tangible media and transitory propagating signals per se. As such, the claims are drawn to a form of energy. Energy is not one of the four categories of invention and therefore claim 23 is not statutory. Energy is not a series of steps and thus is not a process. Energy is not a physical article or object and such is not a machine or manufacture. Energy is not a combination of substances and therefore not a composition of matter. Modifying the claim language to include "non-transitory computer readable medium" will overcome the rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 1, 3, 4, 6-12, 14, 15 and 17-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 2003/0018491 A1 (Nakahara et al.), and further in view of US 6,324,645 B1 (Andrews et al.).

As to Claims 1, 12 and 23, Nakahara et al. disclose a method, a system for generating an Authorized Domain (AD), and computer readable medium having stored thereon instructions for causing one or more processing units to execute the method, of generating an Authorized Domain (AD), comprises:

selecting a domain identifier (Domain_ID) uniquely identifying the Authorized Domain (AD) (Nakahara et al. disclose the domain list – Pages 12-13, ¶ [0200]),

binding at least one user (P1, P2, ..., PN1) to the domain identifier (Domain_ID) (Nakahara et al. disclose searcher X belonging to the domain – Page 13, ¶¶ [0197 and 0200]),

binding at least one device (D1, D2, ..., DM) to the domain identifier (Domain_ID) (Nakahara et al. disclose the function units belonging to the domain – Page 13, ¶ [0200]), and

binding at least one content item (C1, C2, ..., CN2) to the Authorized Domain (AD) given by the domain identifier (Domain ID) (Nakahara et al. disclose the content usage devices belonging to the domain – Page 13, ¶ [0200]),

thereby obtaining a number of devices (D1, D2, ..., DM) and a number of users (P1, P2, ..., PN1) that are authorized to access content items (C1, C2, ..., CN2) of said Authorized Domain (AD) (Nakahara et al. disclose the domain list {Domain ID}, at least one user {user}, function units {devices}, and content usage devices {content items}, and licensing {authorized} – Pages 12-13, ¶ [0200])

wherein access to the at least one content item (C1, C2, ..., CN2) is obtained, via an authorized certificate, by verifying that the at least one content item (C1, C2, ..., CN2) and the at least one user (P1, P2, ..., PN1) are linked to the same domain identifier (Domain_ID) or by verifying that the at least one device (D1, D2, ..., DM) and the at least one content item (C1, C2, ..., CN2)) are linked to the same domain identifier (Domain_ID) (Nakahara et al. disclose granting or restricting access to content based on whether the user and content domain licensing requirements are met – Page 12, ¶ [0197]; via an authorized certificate - ¶ [0198]); and

wherein the authorized certificate (Nakahara et al. disclose authorized certificates - ¶ [0198]).

Nakahara et al. does not explicitly disclose including the domain identifier as a holder of the authorized certificate. However Andrews et al. disclose

includes the domain identifier (Domain_ID) as a holder of the authorized certificate (Andrews et al. disclose inclusion of the domain id as a holder of the authorized certificate – Column 9, lines 49-58).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine including the domain identifier as a holder of the authorized certificate taught by Andrews et al., with the use of authorized certificates taught by Nakahara et al., in order to to identify user priviliges (Andrews et al. - Column 9, lines 49-58).

As to Claims 3 and 14, the combination of Nakahara et al. and Andrews et al. discloses a method and system according to claims 1 and 12 respectively, wherein the binding at least one user (P1, P2, ..., PN1) to the domain identifier (Domain_ID) comprises:

obtaining or generating a Domain Users List (DUC) comprising the domain identifier (Domain_ID) and a unique identifier (Pers_ID1, Pers_ID2, ..., Pers_IDN1) for a user (P1, P2, ..., PN1) thereby defining that the user is bound to the Authorized Domain (AD) (Nakahara et al. disclose the domain list - ¶ [0200], which comprises the function unit ID and user ID fields - Figure 3),

and/or in that

the binding at least one device (D1, D2, ..., DM) to the domain identifier (Domain_ID) comprises:

obtaining or generating a Domain Devices List (DDC) comprising the domain identifier (Domain_ID) and a unique identifier (Dev.ID 1, Dev.ID2, ..., Dev.IDM) for a device (D1, D2, ..., DM) thereby defining that the device is bound to the Authorized Domain (AD) (Nakahara et al. disclose the domail list - ¶ [0200], which comprises the function unit ID and user ID fields - Figure 3).

As to Claims 4 and 15, the combination of Nakahara et al. and Andrews et al. discloses a method and system according to claims 1 and 12 respectively, wherein the binding at least one content item (C1, C2, ..., CN2) to the Authorized Domain (AD) comprises:

binding a content item (C1, C2, ..., CN2) to a User Right (URC1, URC2, ... URCN2), where said User Right (URC1, URC2, ... URCN2) is bound to a user (P1, P2, ..., PN1) bound to the Authorized Domain (AD), and/or

binding a content item (C1, C2, ..., CN2) to a Device Right (DevRC), where said Device Right (DevRC) is bound to a device (D1, D2, ..., DM) which is bound to the Authorized Domain (AD) (Nakahara et al. disclose the domain list {Domain ID}, at least one user {user}, function units {devices}, and content usage devices {content items}, and licensing {right to use} – Pages 12-13, ¶ [0200]), and/or

binding a content item (C1, C2, ..., CN2) to a Domain Rights (DRC1, DRC2, ... DRCN2), where said Domain Rights (DRC1, DRC2, ... DRCN2) is bound to the Authorized Domain (AD) (Nakahara et al. disclose the domain, content usage devices {content items}, and licensing {right to use} – Pages 12-13, ¶ [0200]).

As to Claims 6 and 17, the combination of Nakahara et al. and Andrews et al. discloses a method and system according to claims 4 and 15 respectively,

wherein the User Right (URC1, URC2, ..., URCN2) or the Device Right (DevRC) or the Domain Rights (DRC1, DRC2, ..., DRCN2) comprises rights data (Rghts Dat) representing which rights exists in relation to the at least one content item (C1, C2, ..., CN2) bound to the User Right (URC1, URC2, ..., URCN2) or the Device Right (DevRC) or the Domain Rights (DRC1, DRC2, ..., DRCN2) (Nakahara et al. disclose the domain list {Domain ID}, at least one user {user}, function units {devices}, and content usage devices {content items}, and licenses tied to the user, domain, devices and contents {right to use} – Pages 12-13, ¶ [0200]).

As to Claim 7 and 18, the combination of Nakahara et al. and Andrews et al. discloses a method and system according to claims 1 and 12 respectively, the method further comprises controlling access to a given content item bound to the Authorized Domain (AD) by a given device being operated by a given user, comprising:

checking if the given user is bound to the same Authorized Domain (AD) as the given content item, or

checking if the given device is bound to the same Authorized Domain (AD) as the given content item (Nakahara et al. disclose granting or restricting access to content based on whether the user and content domain licensing requirements are met – Page 12, ¶ [0197]),

and allowing access for the given user via the given device and/or other devices to the content item if the given user is bound to the same Authorized Domain (AD),

or allowing access for the given user and/or other users via the given device to the content item if the given device is part of the same Authorized Domain (AD) (Nakahara et al. disclose granting or restricting access to content based on whether the user and content domain licensing requirements are met – Page 12, ¶ [0197]).

As to Claims 8 and 19, the combination of Nakahara et al. and Andrews et al. discloses a method and system according to claims 3 and 14 respectively, the method further comprises controlling access to a given content item (C1, C2, ..., CN2), being bound to the Authorized Domain (AD) and having a unique content identifier (Cont ID), by a given device being operated by a given user comprising:

checking if the Domain Devices List (DDC) of the Authorized Domain (AD) comprises an identifier (Dev.ID) of the given device, thereby checking if the given device is bound to the same Authorized Domain (AD) as the content item, and/or

checking if the Domain User List (DUC) of the Authorized Domain (AD) comprises an identifier (Pers_ID) of the given user (P1, P2, ..., PN1) thereby checking if the given user is bound to the same Authorized Domain (AD) as the content item (Nakahara et al. disclose granting or restricting access to content based on whether the user and content domain licensing requirements are met – Page 12, ¶ [0197]),

and allowing access to the given content item (C1, C2, ..., CN2) by the given device (D1, D2, ..., DM) for any user if the given device is bound to the same Authorized Domain (AD) as the content item being accessed, and/or

allowing access to the given content item (C1, C2, ..., CN2) by any device including the given device for the given user if the given user is bound to the same Authorized Domain (AD) as the content item being accessed (Nakahara et al. disclose granting or restricting access to content based on whether the user and content domain licensing requirements are met – Page 12, ¶ [0197]).

As to Claims 9 and 20, the combination of Nakahara et al. and Andrews et al. discloses a method and system according to claim 7 and 18 respectively,

wherein the binding at least one content item (C1, C2, …, CN2) to the Authorized Domain (AD) comprises:

binding a content item (C1, C2, …, CN2) to a User Right (URC1, URC2, …, URCN2) where said User Right (URC1, URC2, …, URCN2) is bound to a user (P1, P2, …, PN1) which is bound to the Authorized Domain (AD) (Nakahara et al. disclose the domain, content usage devices {content items}, and licensing {right to use} – Pages 12-13, ¶¶ [0197 and 0200]), and

wherein the controlling access of a given content item further comprises:

checking that the User Right (URC1, URC2, …, URCN2) for a given content item specifies that the given user (P1, P2, ..., PN1) has a right to access the given content item (C1, C2, ..., CN2) and only allowing access to the given content item (C 1, C2, ...,

CN2) in the affirmative (Nakahara et al. disclose granting or restricting access to content based on whether the user and content domain licensing requirements are met – Page 12, ¶ [0197]).

As to Claims 10 and 21, the combination of Nakahara et al. and Andrews et al. discloses a method according to claims 1 and 12 respectively,

wherein every content item is encrypted and that a content right (CR) is bound to each content item and to a User Right (URC) or a Device Right (DevRC) or a Domain Rights (DRC), and that the content right (CR) of a given content item comprises a decryption key for decrypting the given content item (Nakahara et al. disclose content encryption and decryption key - Page 3, ¶¶ [0048-0050]).

As to Claims 11 and 22, the combination of Nakahara et al. and Andrews et al. discloses a method and system according to claims 4 and 15 respectively, wherein

the Domain Users List (DUC) is implemented as or included in a Domain Users Certificate, and/or

the Domain Devices List (DDC) is implemented as or included in a Domain Devices Certificate, and/or

the User Right (URC 1, URC2, ..., URCN2) is implemented as or included in a User Right Certificate, and/or

the Device Right (DevRC) is implemented as or included in a Device Right Certificate, and/or

the Domain Rights (DRC 1, DRC2, ..., DRCN2) is implemented as or included in a Domain Rights Certificate (Nakahara et al. disclose license authentication included in a certificate - ¶¶ [0198] [0249-0251] [0258]).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. These were disclosed in a prior Office action. Any inquiry concerning this communication or earlier communications from the examiner should be directed to RICHARD G. KEEHN whose telephone number is (571)270-5007. The examiner can normally be reached on Monday through Thursday, 9am - 8pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 571-272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Rupal D. Dharia/
Supervisory Patent Examiner, Art Unit 2400

RGK